

REMARKS

The issues outstanding in the Office Action of April 24, 2009, are the requirement for restriction, and the rejection under 35 U.S.C. 102, and the objection to the claims. It is noted that claim 9 has been indicated as being allowable, if written in independent form. Claim 9 has been so rewritten.

Requirement for Restriction/Election

The traversal of the requirement for restriction is maintained, for the reasons of record. It is again respectfully maintained that the composition and method claims should be maintained with the elected compound claims, inasmuch as, should the compound claims be allowed, the composition and method claims are also *per se* allowable. Moreover, such claims would necessary be rejoined, under MPEP §821.04.

Moreover, in accordance with MPEP §803.02, it is improper to require cancellation of non-elected subject matter as the Examiner attempts to do in the present Office Action. Should the elected species be found allowable, as is the case in view of Applicants' subsequent comments, it is clear that the search must be extended to additional species. Thus, it is Applicants' right to maintain the species in the present claims. Moreover, Applicants have the right to petition the election of species, up until an appeal is taken or the application is allowed. Thus, it is within Applicants' rights to maintain the non-elected subject matter in the present claims. Reconsideration of the requirement for restriction is again respectfully requested.

Rejection Under 35 U.S.C. 102

Claims 1-8 have been rejected under 35 U.S.C. "102(e)" over Bigge et al. It is assumed that, inasmuch as the rejection is made under "102(e)" that it is the '141 U.S. patent which is intended, and not the Chemical Abstract or other Bigge references of record.

At page 5 of the Office Action, it is noted that "Bigge et al. also discloses synthesis of several substituted pyrrolidine dicarboxamides [sic] compounds and at least one of them anticipates the instantly claimed invention...". The only specific compound noted is CA

RN536750-92-2. That compound does not anticipate claim 8 herein, inasmuch as it contains an imidazole moiety which is substituted by a carbonyl group only. This structure thus does not anticipate compounds which contain a dimethyl aminomethyl imidazole, for example. The structure moreover does not anticipate compounds which are substituted by a dimethylamidino-phenyl moiety, or dimethylaminomethyl-phenyl moiety. As a result, it is submitted that the reference does not anticipate the present claims, and withdrawal of the rejection under 35 U.S.C. 102 is respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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